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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,137	08/28/2003	Pia Kopf	41118US	8178
7590 07/06/2004				
Barley, Snyder, Senft & Cohen, LLC 126 East King Street Lancaster, PA 17602-2893		EXAMINER HYEON, HAE M		
		ART UNIT		PAPER NUMBER
		2839		

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/651,137

Applicant(s)

KOPF ET AL.

Examiner

Hae M Hyeon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/28/03 & 3/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen et al (5,039,456) in view of Kumar et al (6,611,648 b2).

Bowen discloses an optical short-circuit plug assembly comprising a plug housing 6 enveloping a plug 2 and 3, a short-circuit insert 10 having a plug region 17 and 18 with two mutually parallel optical fiber ends 15 and 16 of an optical fiber portion 11 in which the optical fiber portion 11 has a curved portion guided in an arc of substantially 180 degrees. The short-circuit insert 10 has a latching means 31 and 32 for a primary securing mechanism for securing the short-circuit insert in the plug housing 6 which is a socket connector. Figure 3 shows the arc of the optical fiber portion being enveloped in a plastic carrier 24. However, Bowen does not disclose the optical fiber portion 11 to be formed of a multi-component glass core with cladding or a multi-core glass fiber with cladding.

Kumar discloses an optical fiber formed of a multi-core glass fiber with cladding (see column 8, lines 55-58) having different associated propagation constants to reduce cross-talk.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the optical short-circuit plug assembly taught by Bowen such that it would have a multi-core glass fiber with cladding as taught by Kumar because the multi-

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core glass fiber with cladding having different associated propagation constants could reduce cross-talk. Also, the use of a multi-core class fiber only deals with using one type of optical fiber over another type, which does not change or affect the optical short-circuit plug assembly.

Regarding to claims 3-6, 8-10, and 15-16, these claims recite different sizes of components in the optical short-circuit plug assembly. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

3. Claims 2 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen et al and Kumar et al as applied to claims 1, 3-12 and 14-16 above, and further in view of Cheng (6,634,798 B2).

Claims 2 and 13 recite a secondary securing for the short-circuit insert. However, Bowen only discloses one securing means. On the other hand, Cheng discloses a dust proof cap 1 having a first securing mean 12 and a second securing 14 for securing in a socket. Although, the device of Cheng is a dust proof cap and not an optical short-circuit insert, the device of Cheng solves the same problem with the same structure, holding a plug in a socket using one or more shoulders.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the optical short-circuit insert taught by Bowen such that it would have one or more shoulders for primary securing and secondary securing of the short-circuit insert in a plug housing as taught by Cheng because the use of a shoulder is a simple structure that provides a secure engagement between two objects.

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Conclusion

It is unnecessary, however, that inventions of references be physically combinable to render obvious an applicant's invention. *In re Sneed*, 710 F.2d 1544, 1550, 218 USPQ 385, 389 (Fed. Cir. 1983). The test for obviousness is not whether the features of a reference may be bodily incorporated into the structure of another reference but what the combined teachings of those references would have suggested to those of ordinary skill in the art. *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871,881 (CCPA 1981).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 5,475,781 by Chang et al., US Patent No. 5,898,813 by Beier, US Patent No. 6,454,464 B1 by Nolan, and US Patent No. 6,707,979 B2 by Wang et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hae M Hyeon whose AU is 2839 and whose telephone number is 571-272-2093. The examiner can normally be reached on Mon.-Fri. (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any response to this action may be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

Hae M Hyeon

Examiner

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hnh

hnh

Hae Moon Hyeon